

SUMMARY REPORT OF INVESTIGATION¹**I. EXECUTIVE SUMMARY**

Date of Incident:	September 26, 2015
Time of Incident:	2:15 p.m.
Location of Incident:	XXXX, Chicago, IL
Date of COPA Notification:	September 26, 2015
Time of COPA Notification:	2:50 p.m.

On September 26, 2015, at approximately 2:15 p.m. witness, Civilian 1, called 911 to request assistance at Trilogy Health Services for Seniors located at XXXX Avenue. Officer A, #XXXX, responded to the call and was informed that a mental health patient, victim Subject 1, was trespassing on the property. It is alleged that Officer A was rude, unprofessional, and used excessive physical force with Subject 1. Officer A did not complete a field contact card for his encounter with Subject 1. COPA reviewed the allegations against Officer A and found that some of the allegations reached a Sustained finding.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Star #XXXX, Employee #XXXX, Date of Appointment: September 29, 2003, Police Officer, Unit of Assignment: XXXX, Date of Birth: XXXX, Male Hispanic.
Subject #1:	Subject 1, Date of Birth: XX/XX 1951, Female Black

III. ALLEGATIONS

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

Officer	Allegation	Finding
Officer A	1. Pushed Subject 1 multiple times, in violation of Rule 8. 2. Kicked Subject 1 on the back of her legs causing her to fall to the ground, in violation of Rule 8. 3. Grabbed Subject 1 by the back of her neck and choked her, in violation of Rule 8. 4. Called Subject 1 an alcoholic, in violation of Rule 8. 5. Rude and Unprofessional in that Officer A told witness, Civilian 1 that he did not have time to respond to Trilogy Health Services for “nonsense” referring to Subject 1’ actions, in violation of Rule 8. 6. Kicked Subject 1’ personal belongings on the ground, in violation of Rule 2. 7. Inattentive to duty in that he failed to complete a Field Contact Card for his interactions with Subject 1, in violation of Rule 6.	Unfounded Unfounded Unfounded Sustained Sustained Sustained Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6: Disobedience of an order or directive, whether written or oral.
3. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, on or off duty.

Special Orders

1. Special Order: S04-13-09-Contact Information System

V. INVESTIGATION²**a. Interviews****Complainant Civilian 1³**

In a statement to the Independent Police Review Authority (IPRA) on October 5, 2015, Complainant Civilian 1, stated that on September 26, 2015, at approximately 2:15 p.m., staff from Trilogy Health Services called the police numerous times because a patient, Subject 1, was drinking alcohol on the property and would not leave. Civilian 1 stated that Officer A responded to the calls. When Officer A responded to the 911 call in the afternoon, he approached Subject 1 in the parking lot of Trilogy Health Services yelling at her to leave the premises. Officer A placed his hands on Subject 1' shoulders and pushed her upper shoulder/back area. Civilian 1 said that Subject 1 was very intoxicated, aggressive, and flailing her arms at Officer A. According to Civilian 1 the incident moved from the parking lot to Glenwood Ave. Officer A continued to instruct Subject 1 to leave the premises but she refused. According to Civilian 1, Officer A pushed Subject 1 on at least three occasions during the incident attempting to get Subject 1 to leave the premises. Civilian 1 also stated that Officer A called Subject 1 an "old drunk" as he instructed her to leave the area. Although Civilian 1 described Subject 1 as non-cooperative and resisting Officer A, Civilian 1 did not like that Officer A pushed her. Civilian 1 told Officer A how he felt about the incident and Officer A was rude in that he said that he did not have time to continue to respond to this "nonsense," had real crimes to respond to, and if Civilian 1 had been doing his job he would not have had to repeatedly respond to complaints from Trilogy about Subject 1. Furthermore, Civilian 1 said that during the incident, Subject 1 told him that security guard 1 hit her with a baton before Officer A responded to the incident. According to Civilian 1, security guard 1 does not carry a baton. Civilian 1 did not rely on Subject 1' account because of her level of intoxication and her lack of credibility.

Complainant/Victim Subject 1⁴

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Attachments #5, 6

In a statement to IPRA on November 12, 2015, Complainant/Victim Subject 1, stated that on September 26, 2015, she went to Trilogy Health Services twice (morning and afternoon) for an appointment.⁵ According to Subject 1, when she went to Trilogy in the afternoon, a security guard named security guard 1, told her to leave the premises for unknown reasons. As Subject 1 exited the building, security guard 1 locked the door behind her. As Subject 1 was standing in front of the main entrance, she fell to the ground, having what she believed was a “seizure.” Subject 1’s friend, Civilian 2, was with her at that time. Subject 1 and Civilian 2 were asking security guard 1 for a cup of water but he refused and took out a baton and threatened to hit Subject 1 with it. According to Subject 1, as she was getting up from the ground, Officer A approached her from behind, grabbed the back of her neck, pushed her, and “choked her.” Subject 1 said that Officer A then kicked her in the back of her legs, dragging her to the side of the building. Then Officer A left the scene. According to Subject 1, Officer A was at the location of the incident for approximately 15 to 30 minutes. Subject 1 claimed that she never said anything to Officer A during the incident and she did not believe Officer A had any right to put his hands on her. Subject 1 stated that the only injury she suffered from the incident, was pain to the back of her legs, which she treated with “icy hot” ointment.

Witness Civilian 2⁶

During a telephone conversation with IPRA Investigator 1 on September 29, 2015, Civilian 2 stated that on the date and time of the incident, he arrived at Trilogy Health Services after Subject 1’s altercation with Officer A. According to Civilian 2, Subject 1 told him that a police officer grabbed her and threw her down onto the ground. Civilian 2 stated that a security guard called the police while Civilian 2 was there, but the officer that responded never exited his police vehicle.

Accused Officer A⁷

In a statement to IPRA on November 01, 2016 Officer A, Star #XXXX, provided the following account of the incident. Officer A stated that based on the OEMC PCAD Reports, on September 26, 2015, at approximately 9:41 a.m., he was assigned to Beat XXXX and he responded

⁵ OEMC PCAD reports indicated that Subject 1 went to Trilogy Health Services at approximately 8:45 a.m. and 2:15 p.m. on September 26, 2015. Attachment#11

⁶ Attachment #13

⁷ Attachments #23, 24

to a call of a disturbance at the Trilogy Health Center located at XXXX Avenue. Officer A stated that he was not initially assigned the job, but assumed that he was probably nearby which is why he went to the location of the incident. According to PCAD, Beat XXXX (Officer B, #XXXX) was assigned the job and he also responded. Since Officer A arrived first, he waved off the officer and notified OEMC that he would handle the job. Officer A said that although the PCAD report indicates that he responded to the location of the incident at 9:41 a.m., he had no independent recollection of him responding at that time.

According to Officer A, based on the PCAD reports, he also responded to the location of the incident on the same day at 2:41 p.m. Officer A partially recalled what he did upon his return to the location of the incident. Officer A does not recall where he initially spoke to Subject 1, but he recalled telling Subject 1 that she had to leave the property. Officer A related that Subject 1 was very intoxicated and agitated.⁸ Subject 1 walked from the sidewalk, off the property, and into XXXX Street. Officer A stated that if she had stayed in the street, she could have blocked traffic and/or could have been struck by a car. Officer A said that Subject 1 was not listening to him. Officer A said that although Subject 1 did technically leave the property, she put herself in harm's way when she stood in the street. Officer A raised his voice and instructed Subject 1 to get out of the street but she failed to comply. Officer A said that Subject 1 was saying things, but he does not recall what was said. Officer A went into the street, used Subject 1' shirt or jacket to hold her up, and escorted her to the curb. According to Officer A, Subject 1 began to curse at him. Once he delivered Subject 1 to the curb, Officer A said that he went back into the street to collect her bag and as he picked it up, some personal stuff fell out of it, along with several beer cans.

Officer A recalled some people outside during the incident, specifically a white male who Officer A believed worked for Trilogy (now known as Civilian 1). Officer A related that he does not recall verbatim what Civilian 1 said but he recalled that Civilian 1 did not like the way that he was escorting Subject 1 out of the street. However, Officer A stated that it was the only way to ensure Subject 1' safety, since she was intoxicated and would not comply with his verbal commands. Officer A said that he was not going to hurt Subject 1, who he described as an elderly lady that was "chemically dependent." Furthermore, when asked why he did not call for an ambulance for Subject 1, Officer A responded by saying, "You know people get intoxicated all

⁸ Officer A described Subject 1 as having trouble standing, walking, slurring her words, and she did not make sense of what she was saying when she spoke.

the time. It doesn't mean every intoxicated individual needs an ambulance. If she was intoxicated to the point where her impairment left her in a semi-conscious state, passed out, then absolutely, I would call an ambulance one-hundred percent of the time... she was not in any type of medical distress."

Officer A stated that the only physical contact he recalled having with Subject 1 was when he escorted her off the street and onto the sidewalk. With regards to his being rude and unprofessional to Civilian 1, Officer A stated, "I don't know exactly what I said, but I do remember part of the conversation where I basically said to him, that 'if you're going to call us for this nonsense, you got to let us do our job.'" Officer A went on to tell Civilian 1, "this is really kind of a waste because you're calling us here for something that you guys can do perfectly well and legally. If you don't like how I moved her, then don't call." Officer A explained that he did not complete a contact card because Subject 1 was not a victim, suspect, suspicious person, or an offender; however, he also stated that looking back, if he had known it "was going to come down to this," he would have written one. With regards to the allegation that he kicked Subject 1's belongings, Officer A said he did not do that. With regards to the other allegations, Officer A stated that he did not kick Subject 1's legs, choke her, or call Subject 1 an alcoholic. However, Officer A said he did not remember what exactly he said to Subject 1 stating that he could have said something along the lines of, "You've been drinking."

After viewing the surveillance footage of the incident, Officer A identified himself and Subject 1 in the video. Officer A stated that based on the video of the northeast parking lot, it appears that he pushed Subject 1 near the entrance of the building but he does not have an independent recollection of pushing her. Officer A confirmed that on the video, there are people standing near the incident but he does not know who they are. Officer A said that based on the video of Glenwood St.⁹, Subject 1 intentionally fell on the street and Officer A grabbed her by the back of her shirt to get her off the street. The video also depicts what appears to be Officer A pushing Subject 1 down Glenwood Street (southbound). Officer A explained that though the video appears to depict him pushing Subject 1 on the upper body, he claims that he did not push Subject 1, but only placed his hands on her upper body to prevent her from walking northbound on Glenwood Street, toward the Trilogy Health Services property.

⁹ Northbound view of Glenwood St.

Furthermore, Officer A admitted that the video of Glenwood St. depicts him throwing and kicking beer cans that fell out of Subject 1' bag. When asked why he did that, Officer A stated, "I don't recall."

b. Digital Evidence

The **video footage from Trilogy Health Services**¹⁰, recorded on September 26, 2015, from 2:19 p.m. to 2:31 p.m. contains footage relative to the incident under investigation. The video footage contains approximately nineteen video clips, which include the northwest parking lot, northeast parking lot, and the north side of Glenwood Street. Video footage of the incident was recorded in the northwest and northeast parking lots, and from the north side of Glenwood Street. The recorded incident begins at the northwest parking lot, where several people are standing and a marked Chicago Police vehicle arrives. The video clip continues, showing a view from the northeast parking lot in which a male Hispanic Officer (now known to be Officer A) is seen pushing a woman (now known to be Subject 1) on the arms and/or back away from the Trilogy Health Services building. The north side of Glenwood Street video shows Subject 1 and Officer A continue to engage in an apparent verbal exchange. Officer A can be seen attempting to grab Subject 1' arms, but she falls to the ground and does not stand up. Officer A attempts to lift Subject 1 back up, but Subject 1 kicks at him. Officer A grabs the black bag that Subject 1 is carrying, causing the beer cans inside of the bag fall to the ground. Officer A proceeds to kick the beer cans away from Subject 1. Subject 1 eventually stands and continues conversing with Officer A and Security Guard 1. At approximately 2:25 p.m., Subject 1 picks up the beer cans, still engaged in verbal exchange, and leaves the area.

c. Documentary Evidence

The **Office of Emergency Management and Communications Event Query Report**¹¹ indicates that on September 26, 2015, at approximately 8:45 a.m. Subject 1 called 911 from her cellular phone requesting EMS at XXXX Avenue (Trilogy Health Services). According to the report, Subject 1 was "cussing" and ended the call. The PCAD report also indicates that Beat XXXX, assigned to Officer B, #XXXX and Beat XXXX, Officer A, #XXXX, responded to Trilogy

¹⁰ Attachments #19, 20

¹¹ Attachment #11

Health Services on the morning of September 26, 2015. Officer A remained on scene and notified OEMC that he would accept the job assignment.

At approximately 9:32 a.m. a caller reported that a black female was causing a disturbance at Trilogy Health Services.

At approximately 2:14 p.m. Civilian 1 called 911 and reported that a 64-year-old black female wearing a black outfit who has a psychiatric history and chemical dependency, was in the parking lot at Trilogy Health Services refusing to leave.¹²

d. Additional Evidence

The **Critical Incident Report**¹³, done by Civilian 1, the XXXXXXXX XXXXXX at Trilogy Health Services, indicated that Subject 1 was drinking alcohol on Trilogy property on the morning, and into the afternoon of September 26, 2015. Security guard 1 asked Subject 1 to leave the property and she became combative, physically and verbally abusing the security guard and refusing to leave the premises. As a result, Security guard 1 called the police for assistance. Officer A, #XXXX, and Officer B, #XXXX¹⁴, initially arrived on scene, but did not take police action. Subject 1 left the scene, but returned at least two more times, again creating a disturbance on the property. Officer A responded to the scene a second time, ordering Subject 1 to leave the area. Subject 1 became belligerent, flailing her arms in the air and yelling at Officer A. Officer A began “shoving” Subject 1 to make her leave the property. Officer A followed Subject 1 to Glenwood Street, “yelling and swinging at her,” striking Subject 1 or shoving her several times. At one point, Subject 1 fell to the ground and Officer A continued to yell until Subject 1 got up, when Officer A “shoved” her further down the street. Subject 1 eventually walked off the property. According to the incident report, when Civilian 1 spoke to Officer A, attempting to relate to him that he believed the officer was “too rough” with Subject 1, Officer A told Civilian 1, “not bother the police again, that the police had better things to do with their time, and that Civilian 1 should be minding his own business and doing his own job and let the police to theirs.”

VI. ANALYSIS

¹² Description of Subject 1.

¹³ Attachment #9

¹⁴ Officer B’s last name was misspelled in the report (B).

The investigation revealed that Subject 1 was intoxicated and aggressive during the incident. As a result, Officer A used reasonable and necessary physical contact to escort Subject 1 from the property of Trilogy Health Services. According to Civilian 1, security guard 1 called the police numerous times on September 26, 2015, because Subject 1 was drinking alcohol on the property and refusing to leave. Civilian 1 described Subject 1 as intoxicated, aggressive, and uncooperative. Upon Officer A' arrival to the location of the incident, Subject 1 continued her aggressive behavior and refusal to leave the property. Civilian 1 said that Officer A instructed Subject 1 numerous times to leave the property but she refused. Officer A pushed Subject 1 on at least three occasions during the incident to get her to leave the property and Civilian 1 thought his actions were aggressive.

According to Officer A, Subject 1 was intoxicated, agitated, and “did not want to deal with” him. Officer A initially stated that the only physical contact he had with Subject 1 was when he grabbed her shirt/jacket and escort her from the street to the sidewalk. However, after viewing the video footage from Trilogy Health Services, Officer A admitted that the video showed him pushing Subject 1 in the parking lot, though he had no independent recollection of doing this prior to seeing the video. Officer A explained that the physical contact he had with Subject 1 was necessary because she was intoxicated, uncooperative, and aggressive. Officer A said that he had to physically removed Subject 1 from the street because she could have gotten hit by a vehicle. Officer A denied kicking Subject 1 on her legs or grabbing her by the back of her neck; this denial was corroborated by the video from Trilogy and Civilian 1 's statement. The video does depict Subject 1 falling to the ground, but it appears that Subject 1 threw herself on the ground.

Regarding the allegation of not completing a Field Contact Card for Subject 1, Officer A said that he did not complete a contact card because at the time the Department discontinued the routine documentation of citizen encounters.¹⁵ Subject 1' account of the incident is contrary to the video from Trilogy Health Services. She denied saying anything to Officer A or resisting Officer A but the video clearly contradicts her statement. Civilian 1 also stated that he could not rely on Subject 1' account of the incident because she falsely claimed that Security Guard 1 hit her with a baton. Subject 1' claim that Officer A kicked the back of her legs and choked her is not depicted in the

¹⁵ The Chicago Police Department rescinded the completion of Field Contact Cards on or about January 7, 2015, for Contact Information cards regarding investigatory stops. Special Order S04-13-09.

video. Based on the totality of the circumstances, Officer A used a reasonable amount of force to garner Subject 1' cooperation and he did not physically abuse Subject 1 as she alleged.

The investigation does reveal, however, that Officer A was discourteous and rude. According to Civilian 1, Officer A called Subject 1 an “old drunk” during the incident. Officer A said that he does not recall verbatim what he said to Subject 1, but that he could have said something along the lines of, “You’ve been drinking.” It is more likely than not that Officer A was verbally discourteous as alleged. Officer A confirmed that Subject 1 was intoxicated when he first encountered her and therefore, there would be no reason for Officer A to tell Subject 1 that she has been drinking when he already knew this to be true. Officer A said that prior to the incident he had no previous encounters with Subject 1, in which he would not have known if she in fact was an alcoholic. Officer A’ behavior of calling Subject 1 an alcoholic was rude and disrespectful. Officer A then amplified his disrespectful behavior when he kicked Subject 1’ personal belongings and beer cans on the street, offering no explanation for his behavior.

According to Civilian 1, Officer A was also rude and unprofessional towards him, in that Officer A said that he did not have time to continue to respond to this “nonsense,” had “real crimes to respond to”, and if Civilian 1 had “been doing his job,” he would not have had to repeatedly respond to complaints from Trilogy about Subject 1. Officer A responded to the location of the incident and had a duty to take the necessary actions to resolve the situation. Officer A did not deny making these comments to Civilian 1 but explained that he did not recall everything he said to him. However, Officer A recalled telling Civilian 1, “if you’re going to call us for this nonsense, you got to let us do our job.” Officer A also told Civilian 1, “this is really kind of a waste because you’re calling us here for something that you guys can do perfectly well and legally. If you don’t like how I moved her, then don’t call.” Officer A’s disrespectful behavior was rude and unprofessional, and brought discredit upon the Department.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer A	1. Pushed Subject 1 multiple times, in violation of Rule 8.	Unfounded

2. Kicked Subject 1 on the back of her leg causing her to fall to the ground, in violation of Rule 8.	Unfounded
3. Grabbed Subject 1 by the back of her neck and choked her, in violation of Rule 8.	Unfounded
4. Called Subject 1 an alcoholic, in violation of Rule 8.	Sustained
5. Rude and unprofessional in that Officer A told witness, Civilian 1 that he did not have time to respond to Trilogy Health Services for “nonsense” referring to Subject 1’ actions, in violation of Rule 8.	Sustained
6. Kicked Down’s personal belongings on the ground, in violation of Rule 2.	Sustained
7. Inattentive to duty in that he failed to complete a Field Contact Card for Subject 1, in violation of Rule 6.	Unfounded

Approved:

Deputy Chief

Date

Appendix A**Assigned Investigative Staff**

Squad#:	XX
Investigator:	Investigator 1
Supervising Investigator:	Supervising Investigator 1
Deputy Chief Administrator:	Deputy Chief 1